

## Integrated Fixed Towers on the Tohono O'odham Indian Nation

### SUMMARY/BLUF

The Tucson Sector has been coordinating with the Tohono O'odham Indian Nation on the deployment of fixed technology for more than ten years. The status of the Integrated Fixed Tower (IFT) project, as well as the Sector's overall relationship with the tribe is now at a critical junction.

Tribal executive leadership are hoping to schedule a meeting soon with DHS Secretary Kelly. The purpose of this meeting will be to discuss the proposed "border wall". (b) (5)

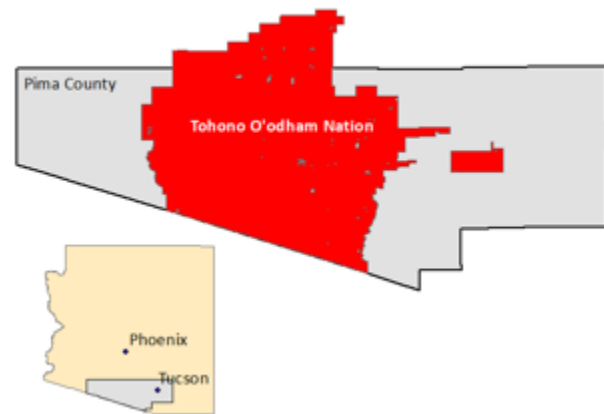
[REDACTED]

### BACKGROUND

The Tohono O'odham Nation (Nation) governs about 4,400 square miles of land in south central Arizona. This is the second largest Native American land holding in Arizona. Sixty-three miles<sup>1</sup> of the tribal land is on the U.S. border with Mexico.

The Tohono O'odham Nation has a population of approximately 28,000 enrolled members. The majority of tribal members live off the reservation. The tribe's resident population is about 11,000.

Figure 1 – Tohono O'odham Nation



Border Patrol agents from the Tucson Sector's (b) (7)(E) all patrol on portions of the Tohono O'odham Nation.

Before discussions of border enforcement operations or fixed surveillance technology deployment on the Nation can be understood, a little background on the history and culture of the tribe is required.

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<sup>1</sup> Several sources incorrectly state that the tribal land is on 72 or 75 miles of international border. The official reservation designation puts the eastern boundary in the center of the Baboquivari Mountains. Some sources include the eastern slope of these mountains as tribal land resulting in the increased number of border miles.

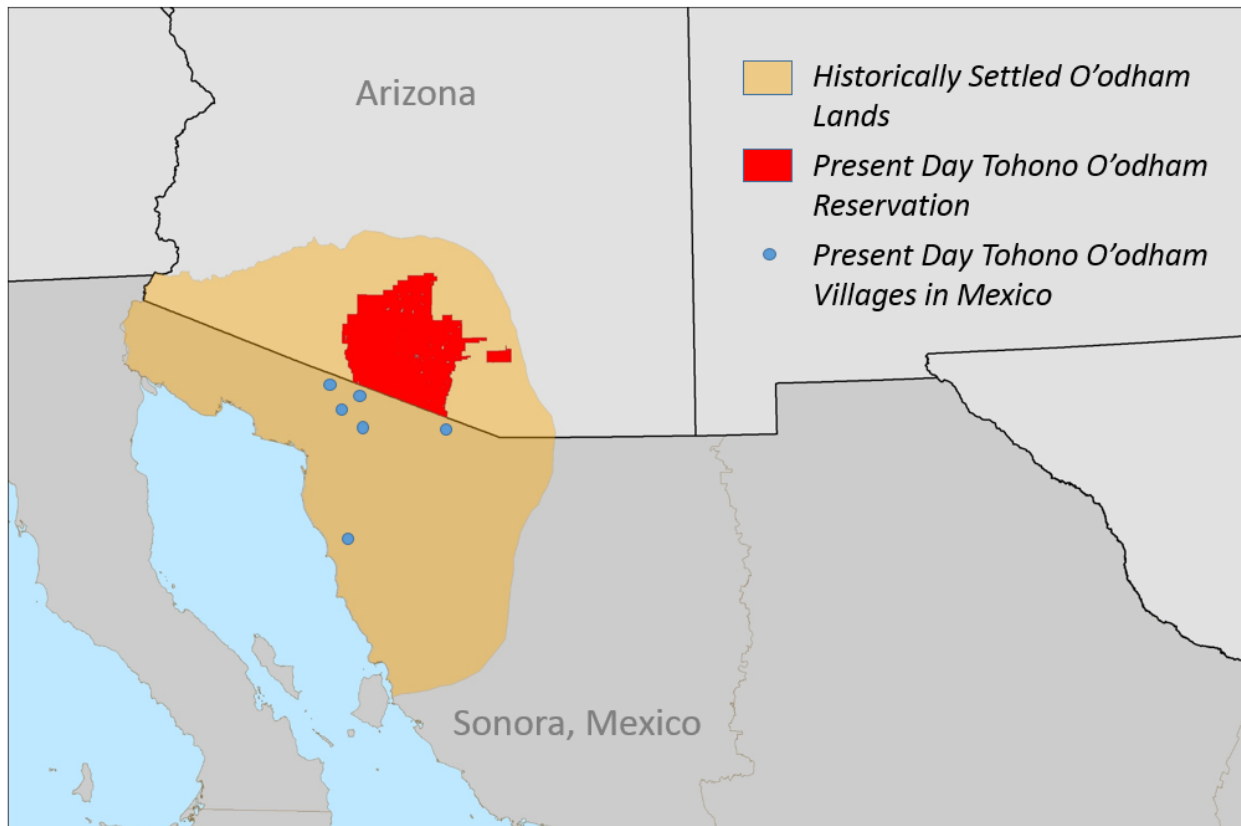
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### *Tohono O’odham History*

For hundreds of years, the O’odham inhabited an area of land in the southwest extending from the Salt River (south of what is now Phoenix, Arizona) through much of northwest Sonora, Mexico. This area is shown on **Figure 2** below.

The Tohono O’odham were a semi-nomadic people. Their agricultural lifestyle was intrinsically intertwined with the summer monsoon rains and the availability of water defined their seasonal migration. In the winter, “well villages” near natural springs were inhabited at the base of the mountains. Upon the arrival of summer monsoon rains that provided moisture for crops and residents, settlements would relocate to the basin “field villages”. With shifting residential patterns and the wide dispersal of the Tohono O’odham fields, there was no need for the people to create large villages or a unified tribal political organization. Because of this, they had limited contact with non-native settlers and retained more of their traditional culture.

**Figure 2 – Traditional O’odham Lands**



From the early 18<sup>th</sup> century, the O’odham land was almost entirely within Mexico. In 1853, through the Gadsden Purchase, the land was divided between the United States and Mexico.

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Initially, the O'odham people ignored the border and mostly ignored the governments of Mexico and United States as well. Accustomed to seasonal migration, the border represented no barrier to their movement. Seasonal migration was often undertaken to whichever side of the border provided the best living conditions.

The Tohono O'odham Indian Reservation was established by the United States government in 1917<sup>2</sup>. There has never been official recognition of the Tohono O'odham by the Mexican government. The lack of a secure land base in Mexico has resulted in the loss of O'odham possessed lands and all that remains today are a few villages. While these villagers are citizens of Mexico, as Tohono O'odham tribal members they are entitled to the same health and other tribal services provided to members living in the United States.

Presently, despite casino revenues and significant federal expenditures, living conditions for many tribal members remain poor. Unemployment is very high and alcoholism and the use of illegal drugs impact most families. (b) (7)(E)

This can be especially appealing to young people with limited education or skills (b) (7)(E)

Until the mid to late 1980s, the Tohono O'odham's relationship with the U.S. Border Patrol was relatively copacetic due mostly to a lack of interaction. A small number of agents patrolled that portion of the border. U.S. citizen tribal member visiting relatives in Mexico, or Mexican tribal members seeking services on the reservation would cross the border with relative impunity. Additionally, regular gatherings known as swap meets would take place just south of (b) (7)(E)

(b) (7)(E)

As a result, there had been an increase in the amount of interaction and hostility. Working relationships have improved over the past few years as tribal members have become used to the presence of agents and agents have made efforts to understand and respect the unique elements of tribal culture.

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<sup>2</sup> This was known as the Papago Indian Reservation when established in 1917. The Tohono O'odham were called "Papago" (*bean people*) by Spanish settlers. In 1986, the tribe officially changed their name from Papago to Tohono O'odham.

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Today, the Tucson Sector expends considerable efforts on tribal liaison. For example, many of the hilltops on the reservation are considered culturally or religiously significant to tribal members. [REDACTED] (b) (7)(E)

[REDACTED] The Border Patrol will now coordinate with tribal leaders (b) (7)(E)

Almost all tribal members and leaders are opposed to a border wall or any type of pedestrian fencing. [REDACTED] (b) (7)(E)

Those members with traditional values still see the land as a defining component of their identity. Like many Native Americans, they have an affinity for the land that borders on spirituality. To them, the importance of the land goes well beyond just a place to live or earn a living. Traditional tribal members do not see this as a wall on their border, but as a wall through the middle of their land. They do not oppose a wall for simple political reasons, but consider the symbolism of the wall an affront to their semi-nomadic cultural identity.

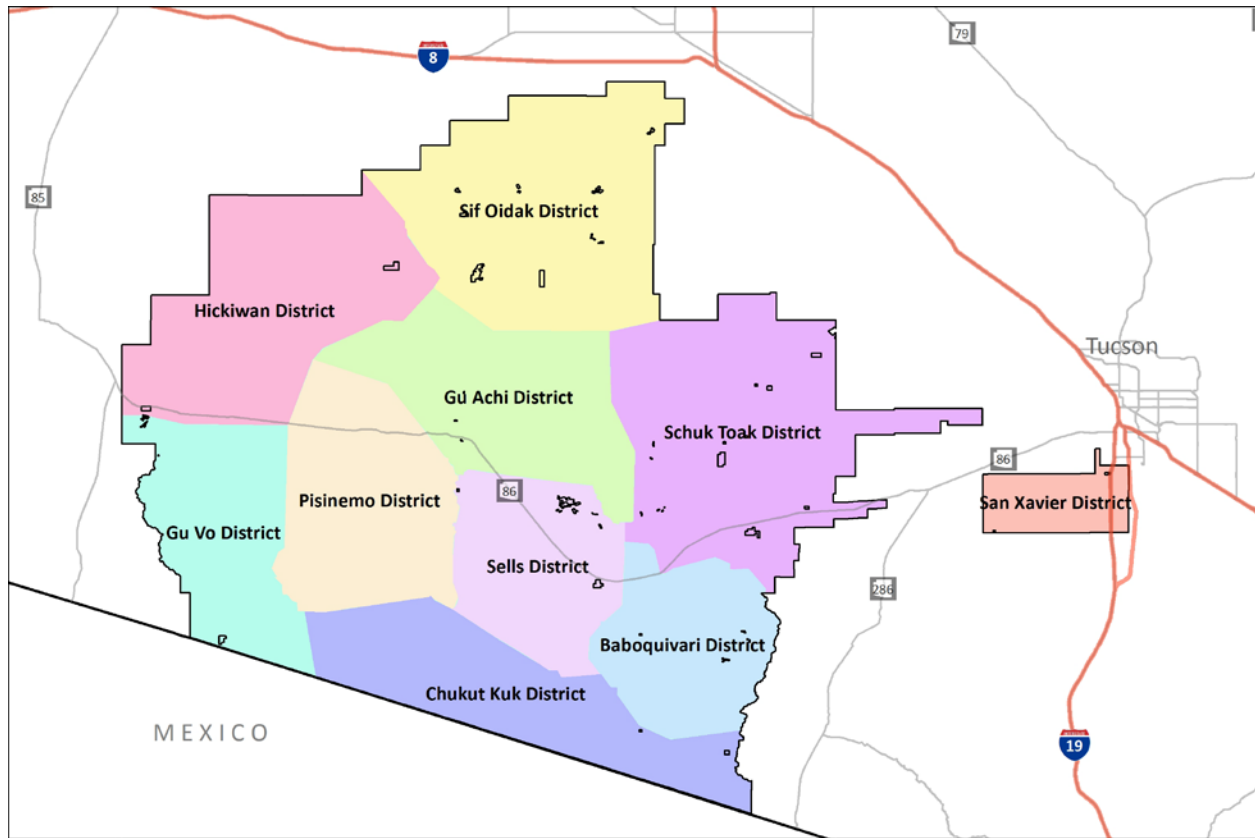
Tribal members also believe a pedestrian barrier or wall will interfere with the habitat or migration of native animals, including species they consider culturally or religiously significant.

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### ***Tribal Government***

The Tohono O'odham Nation is made up of eleven districts. These are shown in **Figure 3** below<sup>3</sup>.

**Figure 3 – Tohono O'odham Districts**



Each district elects a Chairman, Vice-Chairman, Secretary, and Treasurer.

The Tohono O'odham tribal government is comprised of three branches:

- *Executive Branch* – The Tribal Chairman and Vice-Chairman
- *Legislative Branch* – The Tohono O'odham Legislative Council consists of a Legislative Chairman, Vice-Chairman, and two representatives of each of the Nation's eleven districts
- *Judicial Branch* – The tribal courts and judges

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<sup>3</sup> The non-contiguous elements of the San Lucy District are not shown on the map.

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(b) (7)(E) *Tohono O'odham Nation*

For nearly two decades, (b) (7)(E) on the Tohono O'odham Nation. (b) (7)(E)

While the number of arrests and seizures has been decreasing over the past few years, (b) (7)(E) on the Nation remains at unacceptably high levels.

Arrests and marijuana seizures made during the past five complete fiscal years are shown on the table below:

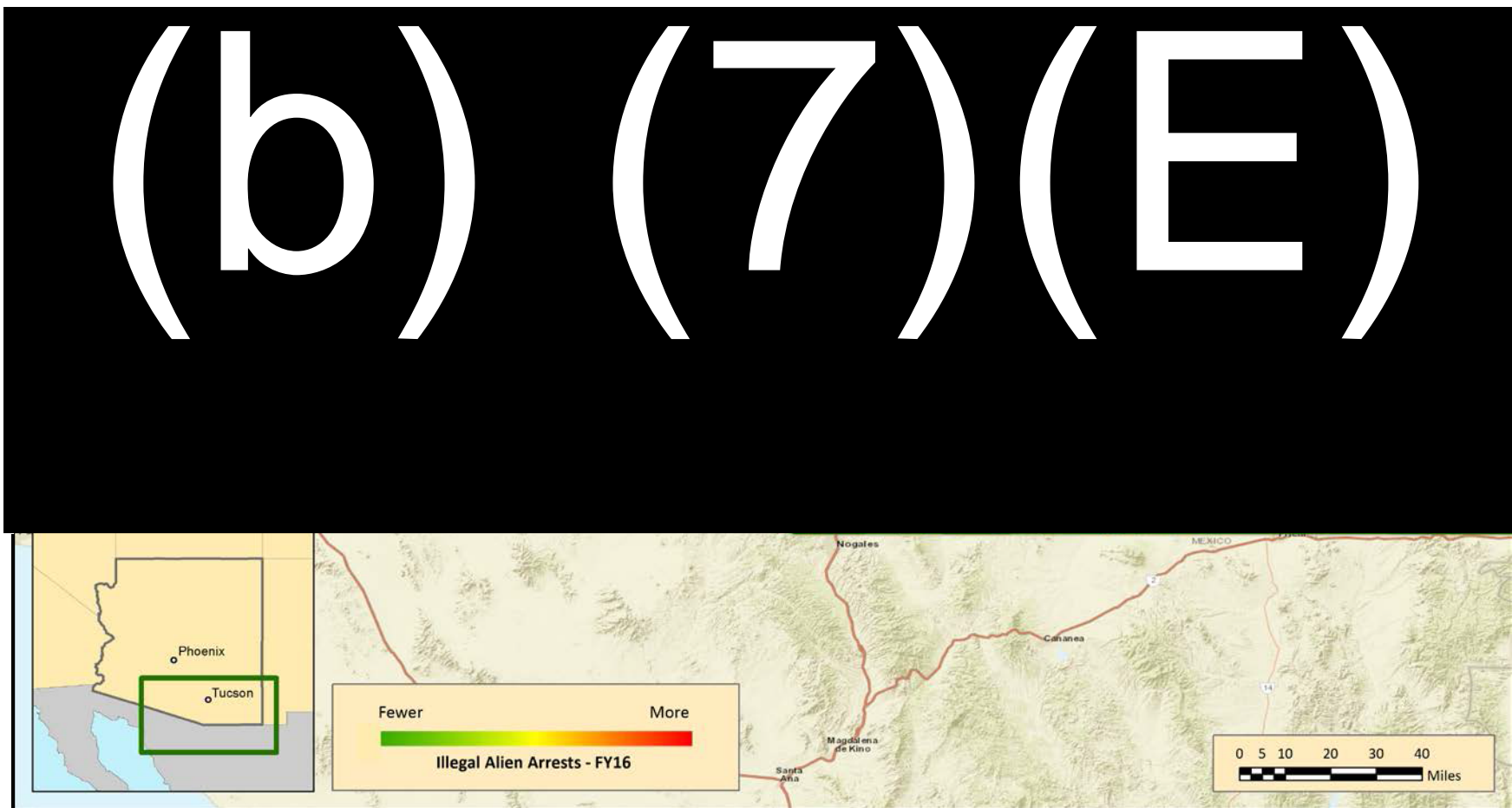
**Table 1 – Tucson Sector Arrests and Marijuana Seizures – FY2012 through FY2016**

Fiscal Year	Illegal Alien Arrests		Marijuana Seizures			
			Number of Seizures		Weight (pounds)	
	Sector Total	(b) (7)(E)	Sector Total	(b) (7)(E)	Sector Total	(b) (7)(E)
FY16	64,886		4,400		728,367	
FY15	63,339		4,385		476,203	
FY14	87,916		5,280		970,966	
FY13	120,936		6,290		1,191,728	
FY12	119,593		5,059		1,015,720	

Proportional levels of arrests and marijuana seizures for fiscal year 2016 are shown on **Figure 4** and **Figure 5** on the next pages.

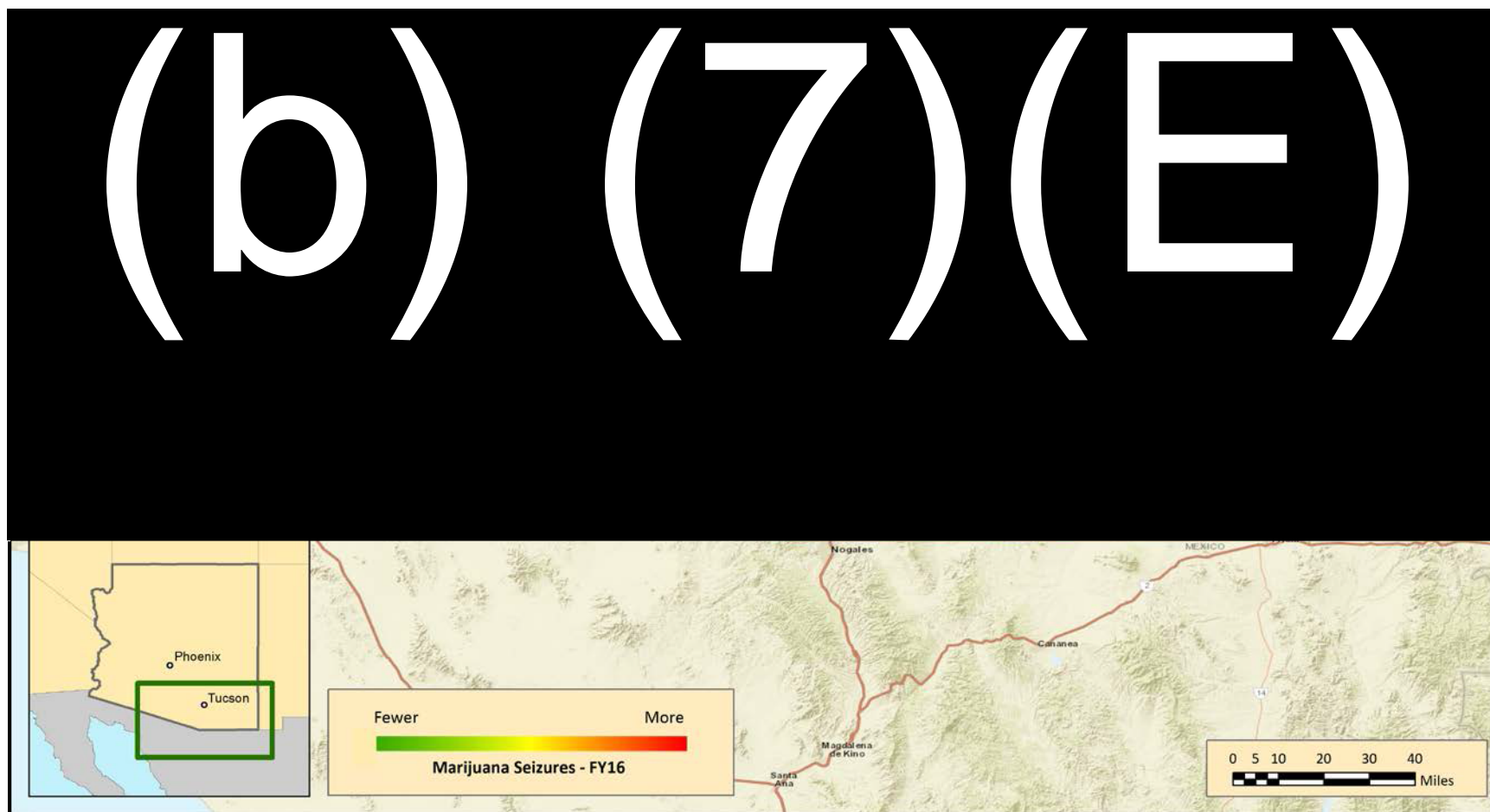
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Figure 4 – Proportional Level of Arrests – Tucson Sector – Fiscal Year 2016



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Figure 5 – Proportional Level of Marijuana Seizures – Tucson Sector – Fiscal Year 2016





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### *Recent Technology Deployment in the Tucson Sector*

The CBP Office of Acquisition and Tucson Sector are planning on deploying (b) (7)(E) Integrated Fixed Towers (IFT) on the Tohono O'odham Nation. The towers will provide (b) (7)(E)

(b) (7)(E)

The IFT is the final remaining project in the Arizona Technology Deployment Plan (ATP).

The ATP is an evolution of the Secure Border Initiative's SBInet program. SBInet began in 2006 and was envisioned as a complete national border detection and surveillance technology solution. The contract was awarded to The Boeing Company who was tasked with designing, engineering, and deploying a comprehensive system (b) (7)(E)

(b) (7)(E)

SBInet suffered numerous technical problems and schedule delays. It was also plagued by poor expectation management. By 2010 however, Boeing had deployed the fixed tower systems in the (b) (7)(E) Station's areas of operation<sup>4</sup>. The system remains beneficial to agents and has proven very successful in enhancing situational awareness. It was determined however, that at more than \$1 billion, it was not a cost effective solution. Part of what made SBInet so expensive was the engineering and development costs associated with the program's ambitious scope.

In January 2011, DHS Secretary Napolitano cancelled Boeing Co.'s multibillion-dollar SBInet contract and tasked CBP with formulating a better path forward to acquiring and deploying border technology. This became the Arizona Border Surveillance Technology Plan.

In addition to a number remotely monitored sensors and mobile technology systems, the following fixed technology systems have been deployed under the ATP:

- (b) (7)(E)

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<sup>4</sup> The fixed tower solutions delivered by Boeing under SBInet are known as Block-1. (b) (7)(E) 1 (b) (7)(E) was deployed in February, 2010. (b) (7)(E) 1 (b) (7)(E) was deployed in August, 2010. The prototype system, (b) (7)(E) was deployed in the (b) (7)(E) AOR from December, 2007 through October, 2010.

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(b) (7)(E)

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(b) (7)(E)

The IFT project has been completed in the Tucson Sector's (b) (7)(E) area of operations. (b) (7)(E) systems are currently operational. (b) (7)(E) towers are currently being deployed in the (b) (7)(E) area of operations and (b) (7)(E) additional towers are being deployed in the (b) (7)(E) Station area. These deployments will be completed later this year.

### ***Impact on the Tohono O'odham Nation***

Existing fixed technology, that which is currently being deployed, and the locations of the planned IFT sites on the Tohono O'odham Nation are shown on the map on **Figure 6** on the next page.

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

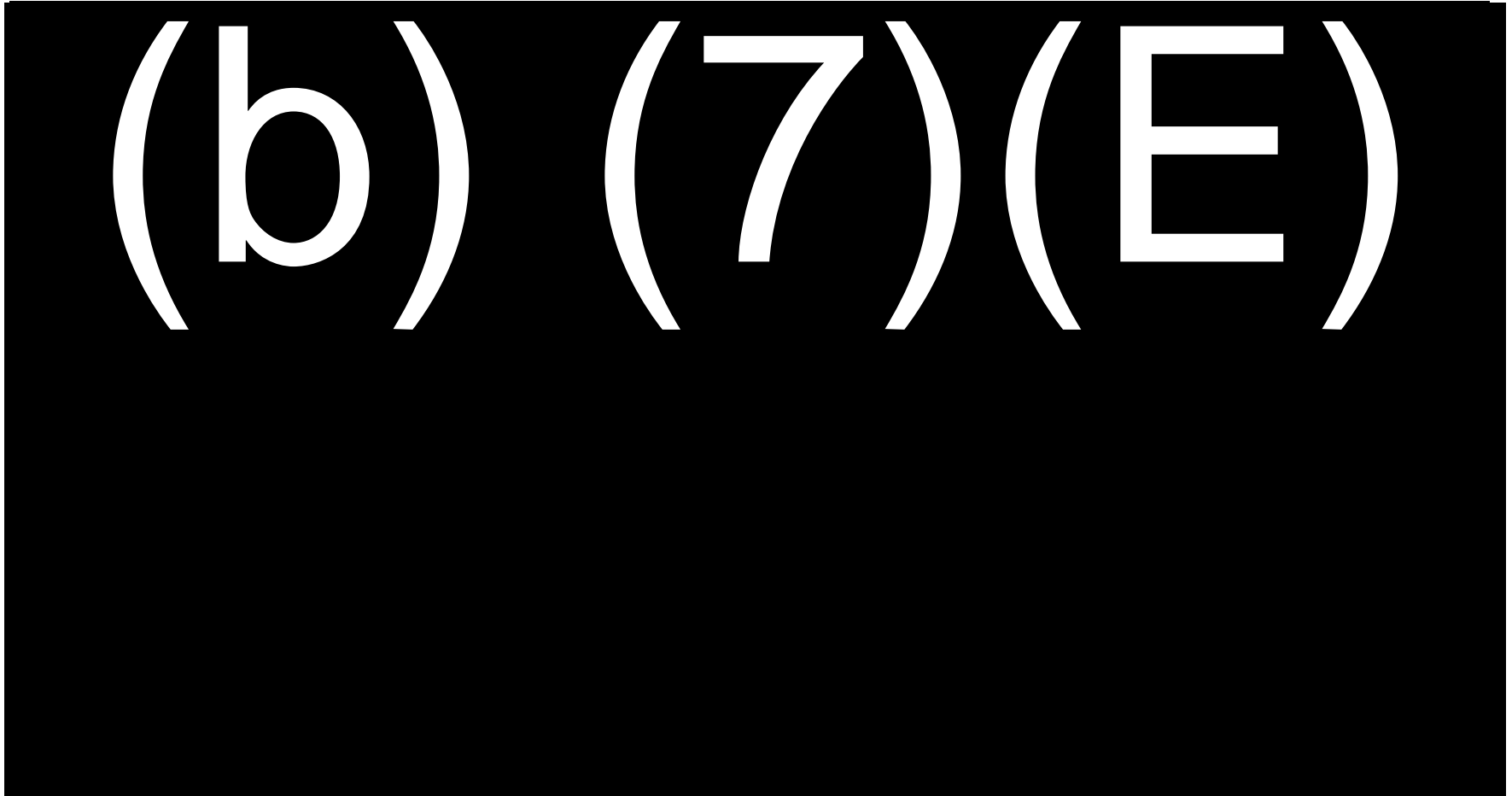
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(b) (7)(E)

(b) (7)(E)

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Figure 6 – Fixed Detection and Surveillance Technology in the Tucson Sector



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### Efforts to Deploy Fixed Technology on the Tohono O'odham Nation

The Tucson Sector has been coordinating with the Tohono O'odham Nation for more than ten years on fixed technology deployment. These efforts are outlined below:

Fixed Tower Project Highlight	Year	Tribal Liaison Highlight
	2006	Throughout 2006, Tucson Sector agents conducted extensive outreach to tribal leaders and communities. Agents outlined the benefits that the SBInet system would have on tribal lands by allowing agents to become more operationally effective.
<i>April</i> – The SBInet prototype system, (b) (7)(E) was deployed in the (b) (7)(E) Area of Operations (AOR)	2007	<i>June</i> – The Tohono O'odham Legislative Council (TOLC) signed a resolution supporting the SBInet Project
	2008	
	2009	
<i>January</i> – The SBInet Block-1 System was deployed in the (b) (7)(E) Station AOR <i>July</i> – The SBInet Block-1 System was deployed in the (b) (7)(E) Station AOR <i>October</i> – Integrated Fixed Tower requirement was established as part of the Arizona Technology Deployment Plan (ATP)	2010	
<i>January</i> – SBInet project is cancelled by DHS Secretary Napolitano. Support for existing systems continued, but all design and deployment work for future systems was suspended.	2011	<i>March</i> – The TOLC rescinded the SBInet resolution of support. While CBP argued that the SBInet resolution should apply to the ATP IFT project, the TOLC and Tribal Chairman disagreed.  <i>April</i> – Tucson Sector provided a Letter of Intent to the TOLC. This letter

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		<p>established CBP's intent to deploy the IFT system on the Tohono O'odham Nation.</p> <p><i>Summer and Fall</i> - With the SBInet resolution rescinded, outreach efforts were completely started over. As they did in 2006, tribal liaison agents again met with tribal leaders and community members throughout the summer and fall of 2011.</p>
	2012	<p><i>March</i> – As a result of the extensive outreach efforts, the TOLC approved a resolution agreeing to allow the government to proceed with identifying and selecting tower sites for the IFT project.</p> <p><i>May</i> – The TOLC signed a second resolution of support for the IFT project. This resolution authorized the government to proceed with the tower and access road site surveys and to complete the field work required for the Environmental Assessment (EA).</p>
	2013	<p><i>Spring</i> – The cultural resources and biological survey field work was completed for the project's required EA. A tribal archeologist and biologist were on site for the majority of this field work.</p>
<p><i>February</i> – IFT contract was awarded to Elbit Systems of America. The award was immediately protested by a non-winning vendor.</p> <p><i>October</i> – The contract protest was been adjudicated and Elbit Systems of America began IFT deployment in the (b) (7)(E) AOR.</p>	2014	<p><i>Summer</i> – Sector agents took community members and leaders from the tribe's Gu Vo and Chukut Kuk Districts to the proposed IFT sites. The locations of some sites and access roads were moved based on input from tribal members. The new sites are still operationally viable for the Border Patrol and do not interfere with areas deemed environmentally or culturally significant to tribal members.</p>

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		<i>Fall</i> – Geotechnical studies for identified tower sites were completed.
<p><i>June</i> – Systems Acceptance Testing (SAT) was completed for the IFT project in (b) (7)(E).</p> <p><i>August</i> – The (b) (7)(E) IFT project was conditionally accepted by the government. The vendor agreed to address some identified deficiencies.</p> <p><i>December</i> – The Chief of the U.S. Border Patrol certifies to congress that the (b) (7)(E) IFT system is operationally beneficial to the Border Patrol. The certification was conditional and requires the vendor to address several unresolved issues.</p> <p>This certification, required under federal appropriations language for this project, did however enable IFT deployment to begin in other Tucson Sector areas.</p>	2015	<p><i>March</i> – Sector agents sought a conditional resolution from the TOLC authorizing construction and deployment of the IFT. The condition was that a Finding of No Significant Impact (FONSI) would be issued when the EA is completed. Sector agents were hoping to have this resolution signed before the tribal elections in May. The TOLC did not respond to this request until June, after the elections were over.</p> <p><i>Fall</i> – Five different meetings to discuss the conditional final resolution were scheduled and cancelled by the TOLC.</p> <p><i>October</i> – The 100% design for the IFT sites' access roads was completed and provided to the Nation.</p>
<p><i>March</i> – Construction of (b) (7)(E) IFT towers in the (b) (7)(E) AOR began.</p> <p><i>November</i> – Construction of (b) (7)(E) IFT towers in the (b) (7)(E) AOR began.</p>	2016	<p><i>January</i> – Internal tribal review of the Draft EA was completed.</p> <p><i>March</i> – CBP responded to the tribe's questions on the road design and issues an updated 100% design plan.</p> <p><i>April</i> - The draft EA was made available for a 30-day public review.</p> <p><i>May</i> – The public review of the EA was completed and 30 public comments were made. CBP responded to each and those responses will be made part of the completed assessment.</p>

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		<i>October</i> – In its Section 7 review of the EA, the U.S. Fish and Wildlife Service raised concerns about the project’s impact on three native species and on the possible impact the project would have on smuggling activity on a nearby wildlife refuge. CBP responded to those concerns in late December, 2016.
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### PRESENT STATUS

Elections on the Tohono O’odham Nation will be held in late May, 2017. Voters will elect leaders for several of the Nation’s eleven districts and half the representatives to the tribal Legislative Council.

It has been speculated that many incumbents will either not run for re-election or will lose and that district leadership and TOLC membership will be made up of members who are more

(b) (7)(E) . If this happens, the (b) (7)(E)  
(b) (5)

Because the district leadership and Legislative Council members will be busy campaigning, no business will take place starting in about April, 2017. Because of this, a resolution of support will need to be signed by late March, 2017. Before this can happen, the project’s Environmental Assessment must be completed and there are two remaining issues:

- *Section 7 Consultation* – The U.S. Fish and Wildlife Service (USFWS) raised some concerns on the draft EA and they are currently reviewing CBP’s responses. A response from USFWS is required by early February, 2017 to allow CBP time to incorporate the response and finalize the EA.
- *Section 106 Report* – The Tohono O’odham Nation’s historic preservation officer must issue a finding that the IFT project will not negatively impact cultural resources. Sector agents continue to coordinate with tribal officials and believe this report will be issued.

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<sup>5</sup> A final resolution of support from the TOLC is required to actually begin access road and tower construction. Unanimous support from the TOLC is not required to pass a resolution, a simple majority of votes will do. Each tribal district has two voting representatives. In a manner similar to the U.S. Electoral College system, the votes of each district’s representatives are weighed based on the population of that district. If for example, one district has four time the population of another, its vote is weighed four times as heavily. The Tucson Sector believes there is more than enough support from the existing TOLC to pass a resolution.



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Once the EA issues are resolved, CBP and tribal leaders will work out the actual language of the resolution.

In an unrelated development, Tucson Sector personnel believe that the Tribal Chairman and/or Vice-Chairman are seeking to meet with DHS Secretary Kelly sometime in mid-February, 2017. It is believed that this meeting will be to discuss the plan for a border wall. (b) (5)

(b) (5)